

Remarks

Prior to entry of this amendment, claims 1-28 were pending in this application, of which claims 9-11, 14-16, 18-21, and 24-28 were withdrawn from consideration. By this amendment, Applicants cancel claims 1-16 and 27. Applicants reserve the right to pursue any and all subject matter removed from consideration by this amendment in a later application. Upon entry of this amendment, **claims 17-26 and 28 will be pending** in the application, of which claims 17, 22, and 23 are under examination and have been indicated by the Examiner as being allowable.

Entry of this amendment after final rejection is proper because it only cancels claims, does not require any further search from the Examiner to result in allowance of the case, and would put the application in better condition for appeal if such becomes necessary.

Objection to Claim 1

Claim one is objected because it allegedly recites the term “polypeptide” twice in line 1. In fact, claim one read “An isolated recombinant polypepitope polypeptide...” in the first line (underlining added only to show the difference between the two words), so there is no informality in the claim. Claim 1 is cancelled herewith, thus rendering the objection moot – but Applicants note that allowable claim 17 also is directed to “An isolated recombinant polyepitope polypeptide...” and thus wants to be clear on the record that this not a repetition of the word “polypeptide”.

Claim Rejections under §§102 and 103

Claims 1, 2, 8, 12 and 13 remain rejected under §102(b), while claims 1-8, 12, and 13 remain rejected under §103(a). Without conceding to any of these rejections, and merely to advance prosecution in the current case, Applicants have herewith canceled claims 1-8, 12, and 13. This renders moot all of the rejections based on prior art references, and Applicants request withdrawal of these rejections.

Allowable Subject Matter

Applicants thank the Examiner for acknowledging that claims 17, 22 and 23 are free of the prior art and allowable. These claims remain unamended in the case, and thus Applicants request the issuance of a Notice of Allowance.

Request for Rejoinder

Of the claims remaining after entry of the amendment above, claims 18-21, 24-26 and 28 are withdrawn. Applicants respectfully direct the Examiner's attention to M.P.E.P. § 821.04 (indicating that withdrawn claims that contain all the limitations of an allowed claim are eligible for rejoinder) for rejoinder of claims 18-21 and 28 from Examiner's Group II; and M.P.E.P. § 821.04(b) (withdrawn process claims which depend from or otherwise require all the limitations of an allowable product claim will be considered for rejoinder) for rejoinder of claims 24-26 from Examiner's Group. In view of these requirements, Applicants again request rejoinder of withdrawn claims still pending in the case.

In particular, in view of the acknowledged allowability of claim 17, claims 18-21 and 28 must be rejoined and examined herein (as claims that depend from and include all the limitations of an allowable claim). Similarly, in view of the acknowledged allowability of claim 22, claims 24, 25, and 26 must be rejoined and examined in the current application (as process claims that depend from and include all the limitations of an allowable product claim). It is believed that these currently-withdrawn claims are allowable without requiring any amendment.

Conclusion

Applicants believe that the claims are in condition for allowance, and notification of such is ardently requested. The Examiner is encouraged to contact the undersigned by telephone if any clarification is desired.

Respectfully submitted,

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